

Ex. 5

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17  
**UNITED STATES DISTRICT COURT**  
 18  
**NORTHERN DISTRICT OF CALIFORNIA**

19 CISCO SYSTEMS, INC.,	)	CASE NO. 5:14-cv-05344-BLF
20 Plaintiff,	)	<b>PLAINTIFF CISCO SYSTEMS, INC.'S</b>
21 v.	)	<b>FOURTH SUPPLEMENTAL</b>
22 ARISTA NETWORKS, INC.,	)	<b>OBJECTIONS AND RESPONSES TO</b>
23 Defendant.	)	<b>DEFENDANT ARISTA NETWORKS,</b>
	)	<b>INC.'S FIRST SET OF</b>
	)	<b>INTERROGATORIES (2 AND 5)</b>

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CASE NO. 5:14-cv-05344-BLF

CISCO'S FOURTH SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Cisco  
 2 Systems, Inc. (“Cisco”), by counsel, hereby provides its fourth supplemental objections and  
 3 responses to Defendant Arista Networks, Inc.’s (“Arista’s”) First Set of Interrogatories, which  
 4 were served on Cisco on April 10, 2015 (the “Interrogatories”).

5 **GENERAL OBJECTIONS**

6 Cisco makes the following general objections to Arista’s Interrogatories, which apply to  
 7 each interrogatory regardless of whether the general objections are specifically incorporated into  
 8 the specific objections and responses below.

9 1. Cisco is responding to each interrogatory as it interprets and understands each  
 10 interrogatory with respect to the issues in this Litigation. If Arista asserts a different interpretation  
 11 of any interrogatory, Cisco reserves the right to supplement or amend its responses or objections.

12 2. Cisco objects to each interrogatory to the extent it is inconsistent with or seeks to  
 13 impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Civil and  
 14 Patent Local Rules of the Northern District of California, and any orders governing this Litigation.

15 3. Cisco objects to the definitions of “Cisco,” “You,” and “Your,” to the extent that  
 16 the definitions are overly broad and purport to require Cisco to provide information that is not  
 17 within the possession, custody, or control of Cisco.

18 4. Cisco objects to Arista’s definition of “Asserted Patents” and “Asserted Claim” to  
 19 the extent that Arista’s use of those terms in its interrogatories to Cisco renders certain of Arista’s  
 20 Interrogatories as constituting multiple discrete subparts that are in fact multiple, separate  
 21 interrogatories.

22 5. Cisco objects to the definitions of “CLI Command” and “Network Management  
 23 Product” to the extent that these terms are vague and ambiguous with respect to their scope and  
 24 application as used by Arista, rendering these terms at least potentially unclear with respect to  
 25 what particular devices are intended to be incorporated thereby, and further on the grounds that  
 26 use of the terms in Arista’s Interrogatories renders those interrogatories overbroad and unduly  
 27 burdensome to the extent that the discovery sought by such interrogatories is not reasonably tied to  
 28 Cisco’s claims or Arista’s defenses in this Litigation. Cisco further objects to the use of these

1 products that contain CLI, computer programs and/or other works that infringe Cisco's copyrights.

2 During that time, Arista has reported the following revenue and net income figures:

Fiscal Year	Revenue	Net Income
2012	\$193.4 M	\$21.3 M
2013	\$361.2 M	\$42.5 M
2014	\$581.4 M	\$86.9 M
Total 2012-2014	\$1,136 M	\$150.7 M

3 *See, e.g., Arista Networks, Inc. 2014 Annual Report, available at*

4 [http://investors.arista.com/files/doc\\_financials/Arista-2014-Annual-Report\\_v001\\_d7suv1.pdf](http://investors.arista.com/files/doc_financials/Arista-2014-Annual-Report_v001_d7suv1.pdf), p.

5. Arista has not yet produced sufficient information from which Cisco can calculate its lost  
9 profits or its alternative, statutory damages.

10 For Cisco's patent claims, Cisco is entitled to its actual damages (*e.g.*, lost profits), or at  
11 least a reasonable royalty, since at least the date on which Cisco filed its complaint. *See* 35 U.S.C.  
12 § 284. Although Arista has not yet produced detailed sales records, Cisco believes that  
13 substantially all of Arista's sales during that period have been sales of infringing products. No  
14 public revenue or net income figures are yet available for this period. And Arista has not yet  
15 produced sufficient information from which Cisco can calculate its lost profits or its alternative,  
16 reasonable royalty damages.

17 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further  
18 supplement this response in light of facts learned during discovery, including information  
19 regarding Arista's sales of accused products and expert discovery.

21 **INTERROGATORY NO. 2:**

22 Identify with specificity every similarity that Cisco contends is a basis for its claim of  
23 copyright infringement, including the source material in Cisco's copyrighted work(s) that Cisco  
24 contends is the source of the similarity; the material in the allegedly infringing work(s) that Cisco  
25 contends reflects the similarity, and why Cisco contends that the source material is protected by  
26 copyright.

1 **RESPONSE TO INTERROGATORY NO. 2:**

2 Cisco incorporates by reference its General Objections as though fully set forth herein.

3 Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

4 of admissible evidence to the extent it calls for evidence pertaining to specific similarities between

5 Cisco's copyrighted works and Arista's accused products. Cisco further objects to this

6 interrogatory to the extent that it calls for information that is publicly available, equally available

7 to Arista, and/or in Arista's control, and therefore is of no greater burden for Arista to obtain than

8 for Cisco to obtain. Cisco further objects to this interrogatory as compound. Cisco also objects to

9 this interrogatory as undefined, vague, ambiguous, overbroad, and unduly burdensome in its use of

10 the terms "with specificity," "every similarity," "why Cisco contends that the source material is

11 protected by copyright." Cisco further objects to this interrogatory as premature contention

12 discovery, especially in light of Arista's failure to produce information regarding its accused

13 products, including source code. Cisco further objects to this interrogatory on the grounds that it

14 prematurely seeks expert testimony. Cisco further objects to this interrogatory to the extent it

15 seeks information that is protected by the attorney-client privilege, that constitutes attorney work-

16 product, or that is protected by any other applicable privilege, protection, or immunity, including

17 without limitation in connection with the common interest doctrine.

18 Subject to and without waiver of its general and specific objections, Cisco incorporates by

19 reference, as if fully set forth herein, its operative complaint and all documents cited therein,

20 including Cisco's copyright registrations as well as any subsequent amendments thereto. Cisco

21 further responds, pursuant to Fed. R. Civ. P. 33(d), that Cisco will produce documents containing

22 information responsive to this interrogatory, which information may be obtained from the

23 documents by Arista as easily as by Cisco.

24 In addition to the examples set forth in Exhibits 1 and 2 to Cisco's operative complaint,

25 Cisco identifies in Exhibit A similarities between Cisco's copyrighted works and Arista products.

26 Each of the Cisco works cited in Exhibit A is protected by copyright because each of these works

27 constitutes an original work of authorship fixed in a tangible medium of expression. Each Cisco

28 work in Exhibit A contains expressive content, which is the subject of copyright protection.

1 Further, each Cisco document cited in Exhibit A was first published in the United States and was  
 2 authored by at least one author who is a national or domiciliary of the United States. *See, e.g.*,  
 3 Cisco copyright registrations attached to Cisco's operative complaint. Cisco has complied with all  
 4 applicable statutory formalities related to these copyrighted works. Additionally, because many of  
 5 the Cisco works cited in Exhibit A were deposited with copyright registrations within five years of  
 6 publication, the certificate of registration for these documents constitutes *prima facie* evidence of  
 7 the validity of the underlying copyrights. *See, e.g.*, Cisco copyright registrations attached to  
 8 Cisco's operative complaint. For the remainder of the Cisco works cited in Exhibit A, the  
 9 copyright registration certificates constitute evidence of the validity of Cisco's copyrights.

10 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further  
 11 supplement this response in light of facts learned during discovery, including information  
 12 regarding Arista's accused products and expert discovery.

13

14 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

15 Subject to and without waiver of its general and specific objections, Cisco further responds  
 16 as follows:

17 The similarity between Cisco's copyrighted works and Arista's accused products is also  
 18 evidenced by Arista's copying of numerous multi-word command expressions from Cisco's  
 19 copyrighted works. Each of those command expressions identified by Cisco in its copyrighted  
 20 works represents an original, creative expression. Attached as Exhibit B is a more comprehensive  
 21 listing of the multiword command expressions from Cisco's copyrighted works that were copied  
 22 by Arista, as well as the version(s) of Arista's infringing works that contain these protected  
 23 elements.

24 Arista also has copied Cisco's copyrighted command hierarchies. The organization of  
 25 Cisco's command expressions represents an original, creative contribution to Cisco's copyrighted  
 26 works. Because Cisco's command expressions are organized hierarchically, the copying of  
 27 Cisco's command expressions, described in Exhibit B, itself reflects Arista's copying of Cisco's  
 28 command hierarchies.

1 Arista has also copied Cisco's command modes and prompts, which also represent original  
 2 and creative contributions to Cisco's copyrighted works. For example, Cisco's copyrighted works  
 3 include "EXEC," "Privileged EXEC," "Global configuration," and "Interface configuration"  
 4 modes, the names of which are duplicated in Arista's infringing products, using substantially  
 5 similar prompts. Attached as Exhibit C is a more comprehensive listing of the command modes  
 6 and prompts from Cisco's copyrighted works that were copied by Arista, as well as the version(s)  
 7 of Arista's infringing works that contain these protected elements.

8 Because the burden of finding each of these command expressions, command hierarchies,  
 9 and command modes and prompts in the copyrighted works and the infringing works is the same  
 10 for Arista as it is for Cisco, pursuant to Fed. R. Civ. P. 33(d), Cisco identifies the following  
 11 documents as containing responsive information:

12 IOS v. 11.0: Source Code, CSI-CLI-00403865.

13 IOS v. 11.1: Source Code, CSI-CLI-00403866.

14 IOS v. 11.2: Source Code, CSI-CLI-00403867.

15 IOS v. 11.3: Source Code, CSI-CLI-00403868.

16 IOS v. 12.0: Source Code, CSI-CLI-00403869.

17 IOS v. 12.1: Source Code, CSI-CLI-00403870.

18 IOS v. 12.2: Source Code, CSI-CLI-00403871.

19 IOS v. 12.3: Source Code, CSI-CLI-00403872, CSI-CLI-00403874.

20 IOS v. 12.4: Source Code, CSI-CLI-00403873.

21 IOS v. 15.0: Source Code, CSI-CLI-00054598 – CSI-CLI-00074027, CSI-CLI-00216957 –

22 CSI-CLI-00217612, CSI-CLI-00223197 – CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-

23 00226709, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00271385 – CSI-CLI-00271914,

24 CSI-CLI-00274107 – CSI-CLI-00274387, CSI-CLI-00275376 – CSI-CLI-00276837, CSI-CLI-

25 00314732 – CSI-CLI-00314943, CSI-CLI-00316210 – CSI-CLI-00317412, CSI-CLI-00317634 –

26 CSI-CLI-00317847, CSI-CLI-00318351 – CSI-CLI-00318532, CSI-CLI-00319252 – CSI-CLI-

27 00321189, CSI-CLI-00324036 – CSI-CLI-00324389, CSI-CLI-00325497 – CSI-CLI-00325713,

28

1 CSI-CLI-00332893 – CSI-CLI-00345450, CSI-CLI-00348572 – CSI-CLI-00348689, CSI-CLI-  
 2 00350066 – CSI-CLI-00351948.

3       IOS v. 15.1: Source Code, CSI-CLI-00034689 – CSI-CLI-00054565, CSI-CLI-00223197 –  
 4 CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-00226414, CSI-CLI-00226710 – CSI-CLI-  
 5 00227953, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00314422 – CSI-CLI-00314731,  
 6 CSI-CLI-00314944 – CSI-CLI-00316209, CSI-CLI-00317413 – CSI-CLI-00317633, CSI-CLI-  
 7 00317848 – CSI-CLI-00318350, CSI-CLI-00318533 – CSI-CLI-00319251, CSI-CLI-00319765 –  
 8 CSI-CLI-00325376, CSI-CLI-00325497 – CSI-CLI-00325713, CSI-CLI-00333135 – CSI-CLI-  
 9 00333809, CSI-CLI-00337967 – CSI-CLI-00338200, CSI-CLI-00338481 – CSI-CLI-00338696,  
 10 CSI-CLI-00338941 – CSI-CLI-00339290, CSI-CLI-00345451 – CSI-CLI-00354832.

11       IOS v. 15.2: Source Code, CSI-CLI-00024968 – CSI-CLI-00034688, CSI-CLI-00074028 –  
 12 CSI-CLI-00074113, CSI-CLI-00091773 – CSI-CLI-00091888, CSI-CLI-00098678 – CSI-CLI-  
 13 00099910, CSI-CLI-00101493 – CSI-CLI-00101653, CSI-CLI-00102320 – CSI-CLI-00102428,  
 14 CSI-CLI-00102615 – CSI-CLI-00102827, CSI-CLI-00104206 – CSI-CLI-00104306, CSI-CLI-  
 15 00105599 – CSI-CLI-00105706, CSI-CLI-00106165 – CSI-CLI-00106403, CSI-CLI-00107100 –  
 16 CSI-CLI-00107198, CSI-CLI-00108121 – CSI-CLI-00110637, CSI-CLI-00142102 – CSI-CLI-  
 17 142151, CSI-CLI-00145892 – CSI-CLI-00145912, CSI-CLI-00146305 – CSI-CLI-00146361,  
 18 CSI-CLI-00146494 – CSI-CLI-00146672, CSI-CLI-00150117 – CSI-CLI-00150301, CSI-CLI-  
 19 00151700 – CSI-CLI-00151794, CSI-CLI-00153045 – CSI-CLI-00154056, CSI-CLI-00154957 –  
 20 CSI-CLI-00154967, CSI-CLI-00161254 – CSI-CLI-00161264, CSI-CLI-00162423 – CSI-CLI-  
 21 00162433, CSI-CLI-00162764 – CSI-CLI-00163054, CSI-CLI-00163297 – CSI-CLI-00163575,  
 22 CSI-CLI-00163892 – CSI-CLI-00163997, CSI-CLI-00167730 – CSI-CLI-00168576, CSI-CLI-  
 23 00168785 – CSI-CLI-00170897, CSI-CLI-00171210 – CSI-CLI-00171263, CSI-CLI-00173118 –  
 24 CSI-CLI-00173146, CSI-CLI-00227954 – CSI-CLI-00228224, CSI-CLI-00236536 – CSI-CLI-  
 25 00237167, CSI-CLI-00237495 – CSI-CLI-00239781, CSI-CLI-00241096 – CSI-CLI-00248137,  
 26 CSI-CLI-00276838 – CSI-CLI-00288213, CSI-CLI-00288322 – CSI-CLI-00289855, CSI-CLI-  
 27 00292982 – CSI-CLI-00294561.

28

1       IOS v. 15.4: Source Code, CSI-CLI-00074114 – CSI-CLI-00091772, CSI-CLI-00091889 –  
 2 CSI-CLI-00098677, CSI-CLI-00217613 – CSI-CLI-00223196 – CSI-CLI-00224078, CSI-CLI-  
 3 00224079 – CSI-CLI-00226299, CSI-CLI-00276838 – CSI-CLI-00277169, CSI-CLI-00289856 –  
 4 CSI-CLI-00310345, CSI-CLI-00325714 – CSI-CLI-00332892.

5       IOS XR v. 3.0: Source Code, CSI-CLI-00359263 – CSI-CLI-00362850.

6       IOS XR v. 3.2: Source Code, CSI-CLI-00362851 – CSI-CLI-00370474.

7       IOS XR v. 3.3: Source Code, CSI-CLI-00370475 – CSI-CLI-00380671.

8       IOS XR v. 3.4: Source Code, CSI-CLI-00380672 – CSI-CLI-00389727.

9       IOS XR v. 3.5: Source Code, CSI-CLI-00389728 – CSI-CLI-00403864.

10       IOS XR v. 4.3: Source Code, CSI-CLI-00099911 – CSI-CLI-00101492, CSI-CLI-  
 11 00101654 – CSI-CLI-00102319, CSI-CLI-00102429 – CSI-CLI-00102614, CSI-CLI-00102828 –  
 12 CSI-CLI-00104205, CSI-CLI-00104307 – CSI-CLI-00105598, CSI-CLI-00105707 – CSI-CLI-  
 13 00106164, CSI-CLI-00106404 – CSI-CLI-00107099, CSI-CLI-00107199 – CSI-CLI-00108120,  
 14 CSI-CLI-00102732 – CSI-CLI-00127155, CSI-CLI-00137956 – CSI-CLI-00142101, CSI-CLI-  
 15 00142214 - CSI-CLI-00142101 – CSI-CLI-00143091, CSI-CLI-00143160 – CSI-CLI-00145891,  
 16 CSI-CLI-00145913 – CSI-CLI-00146304, CSI-CLI-00146362 – CSI-CLI-00146493, CSI-CLI-  
 17 00146673 – CSI-CLI-00150166, CSI-CLI-00150302 – CSI-CLI-00151699, CSI-CLI-00151795 –  
 18 CSI-CLI-00153044, CSI-CLI-00154057 – CSI-CLI-00154956, CSI-CLI-00154968 – CSI-CLI-  
 19 00161253, CSI-CLI-00161265 – CSI-CLI-00162422, CSI-CLI-00162434 – CSI-CLI-00162763,  
 20 CSI-CLI-00163998 – CSI-CLI-00167729, CSI-CLI-00168577 – CSI-CLI-00168784, CSI-CLI-  
 21 00170898 – CSI-CLI-00171209, CSI-CLI-00171264 – CSI-CLI-00173117, CSI-CLI-00173147 –  
 22 CSI-CLI-00173412.

23       IOS XR v. 5.2: Source Code, CSI-CLI-00110638 – CSI-CLI-00123731, CSI-CLI-  
 24 00127156 – CSI-CLI-00137955, CSI-CLI-00142152 – CSI-CLI-00142213, CSI-CLI-00143092 –  
 25 CSI-CLI-00143159, CSI-CLI-00163055 – CSI-CLI-00163296, CSI-CLI-00163576 – CSI-CLI-  
 26 00163891, CSI-CLI-00189310 – CSI-CLI-00191711.

27       IOS XE v. 2.1: Source Code, CSI-CLI-00229755 – CSI-CLI-00236535, CSI-CLI-  
 28 00268939 – CSI-CLI-00271384, CSI-CLI-00271915 – CSI-CLI-00274106, CSI-CLI-00274388 –

1 CSI-CLI-00276837, CSI-CLI-00313895 – CSI-CLI-00314421, CSI-CLI-00325377 – CSI-CLI-  
 2 00325496.

3       IOS XE v. 3.5: Source Code, CSI-CLI-00180764 – CSI-CLI-00189309, CSI-CLI-  
 4 00228225 – CSI-CLI-00229754, CSI-CLI-00236536 – CSI-CLI-00236768, CSI-CLI-00237168 –  
 5 CSI-CLI-00237494, CSI-CLI-00237785 – CSI-CLI-00237793, CSI-CLI-00239782 – CSI-CLI-  
 6 00241095, CSI-CLI-00248138 – CSI-CLI-00267772, CSI-CLI-00277170 – CSI-CLI-00277359,  
 7 CSI-CLI-00288214 – CSI-CLI-00288321, CSI-CLI-00288673 – CSI-CLI-00289121, CSI-CLI-  
 8 00310346 – CSI-CLI-00313894.

9       NX-OS v. 4.0: Source Code, CSI-CLI-00054566 – CSI-CLI-00054597, CSI-CLI-  
 10 00191712 – CSI-CLI-00192226, CSI-CLI-00202929 – CSI-CLI-00207082.

11       NX-OS v. 5.0: Source Code, CSI-CLI-00173413 – CSI-CLI-00176459, CSI-CLI-  
 12 00196923 – CSI-CLI-00197194, CSI-CLI-00197411 – CSI-CLI-00197600, CSI-CLI-00199585 –  
 13 CSI-CLI-00200362, CSI-CLI-00201361 – CSI-CLI-00201380, CSI-CLI-00201823 – CSI-CLI-  
 14 00201848, CSI-CLI-00207083 – CSI-CLI-00212262, CSI-CLI-00216926 – CSI-CLI-00216955.

15       NX-OS v. 5.2: Source Code, CSI-CLI-00176460 – CSI-CLI-00178217, CSI-CLI-  
 16 00196489 – CSI-CLI-00196922, CSI-CLI-00197195 – CSI-CLI-00197410, CSI-CLI-00197601 –  
 17 CSI-CLI-00199584, CSI-CLI-00200363 – CSI-CLI-00201360, CSI-CLI-00201381 – CSI-CLI-  
 18 00201822, CSI-CLI-00201849 – CSI-CLI-00202928.

19       NX-OS v. 6.2: Source Code, CSI-CLI-00178218 – CSI-CLI-00180763, CSI-CLI-  
 20 00192227 – CSI-CLI-00196488, CSI-CLI-00212263 – CSI-CLI-00216925.

21       EOS 4.0.1: Source Code, CSI-CLI-00007244 – CSI-CLI-00007472.

22       EOS 4.6.2: Source Code, CSI-CLI-00006858 – CSI-CLI-00007243.

23       EOS 4.10.0: Source Code, CSI-CLI-00007841 – CSI-CLI-00008984.

24       EOS 4.11.1.2: Source Code, CSI-CLI-00010517 – CSI-CLI-00011972.

25       EOS 4.12.4: Source Code, CSI-CLI-00014141 – CSI-CLI-00016000.

26       EOS 4.13.6F: Source Code, CSI-CLI-00016001 – CSI-CLI-00018140.

27       EOS 4.13.7M: Source Code, CSI-CLI-00011973 – CSI-CLI-00014140.

28       EOS 4.14.3F: Source Code, CSI-CLI-00018146 – CSI-CLI-00020377.

1 EOS 4.14.5F: Source Code, CSI-CLI-00000084 – CSI-CLI-00002331.

2 EOS 4.14.6M: Source Code, CSI-CLI-00004616 – CSI-CLI-00006857.

3 EOS 4.15.0F: Source Code, CSI-CLI-00002332 – CSI-CLI-00004615.

4 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further  
 5 supplement this response in light of facts learned during discovery, including information  
 6 regarding Arista's accused products (including source code and other non-public materials) and  
 7 expert discovery.

8

9 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

10 Subject to and without waiver of its general and specific objections, Cisco further responds  
 11 as follows:

12 Arista has copied Cisco's copyrighted command hierarchy and the structure, sequence and  
 13 organization of Cisco's command expressions. Cisco's command expressions are organized  
 14 hierarchically such that certain groups and sub-groups of command expressions can be identified.  
 15 For example, paragraph 52 of Cisco's Second Amended Complaint for Copyright and Patent  
 16 Infringement (Dkt. 64) identify various command hierarchies (e.g., "aaa" command hierarchy,  
 17 "bgp" command hierarchy, "clear" command hierarchy, "dot1x" command hierarchy, "ip"  
 18 command hierarchy, "ipv6" command hierarchy, "neighbor" command hierarchy, "show"  
 19 command hierarchy, "snmp-server" command hierarchy, "spanning-tree" command hierarchy,  
 20 "vrrp" command hierarchy, and other command expressions and hierarchies). Within a given  
 21 command hierarchy, all of the commands start with the same word; for example, all of the  
 22 commands within the "aaa" command hierarchy start with "aaa." The Second Amended  
 23 Complaint further identifies sub-hierarchies within a command hierarchy (e.g., "ip dhcp" sub-  
 24 hierarchy, "ip igmp" sub-hierarchy, "ip msdp" sub-hierarchy, "ip ospf" sub-hierarchy, "ip pim"  
 25 sub-hierarchy, "ipv6 nd" sub-hierarchy, "ipv6 ospf" sub-hierarchy, "show interfaces" sub-  
 26 hierarchy, "show ipv6" sub-hierarchy). Within a given command sub-hierarchy, all of the  
 27 commands start with the same two words; for example, all of the commands within the "ip dhcp"  
 28 sub-hierarchy start with "ip dhcp." There can be further sub-hierarchies within a given sub-

1 hierarchy. One way to demonstrate the hierarchy and organization of Cisco's command  
 2 expressions visually is through the use of a tree structure. An example tree structure of a portion  
 3 of the "ip" command hierarchy is provided in Exhibit D. Arista's copied commands are organized  
 4 into the same hierarchies and sub-hierarchies and have the same tree structure.

5 Arista also has copied Cisco's command responses and their organization. Cisco's  
 6 command responses constitute original, creative contributions to Cisco's copyrighted works.  
 7 Attached as Exhibit E is a listing of some command responses from Cisco's copyrighted works  
 8 that were copied by Arista, as well as the version(s) of Arista's infringing works that contain these  
 9 protected elements. In addition, Arista has copied the non-literal elements of Cisco's command  
 10 responses, including their structure, sequence and organization as also shown in Exhibit E. The  
 11 command responses identified in Exhibit E are exemplary only, as Cisco's investigation is  
 12 ongoing.

13 Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further  
 14 supplement this response in light of facts learned during discovery, including information  
 15 regarding Arista's accused products (including screenshots, source code and other non-public  
 16 materials) and expert discovery.

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18 **THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

19 Subject to and without waiver of its general and specific objections, Cisco further responds  
 20 as follows:

21 Exhibit C to Cisco's Second Supplemental Response to Interrogatory No. 2 identifies  
 22 certain command modes and associated prompts that were created by Cisco and copied by Arista.  
 23 Arista's copying of command modes and prompts extends to interface-, feature-, protocol- and  
 24 other more specific command modes and submodes, with associated prompts. Cisco's discovery  
 25 regarding those modes and submodes is ongoing, and Cisco reserves the right to supplement its  
 26 response in light of information learned subsequently from Arista's source code and/or operable  
 27 Arista devices, which Cisco requested on September 18, 2015 but Arista has not yet produced.

28

1 00356841; CSI-CLI-00356848 – CSI-CLI-00356854; CSI-CLI-0000356855 - CSI-CLI-00356859;  
2 CSI-CLI-00357765; CSI-CLI-00357842 – CSI-CLI-00357855.

3 Cisco's investigation of the subject matter of this interrogatory is ongoing. Cisco therefore  
4 reserves the right to supplement this response as additional information becomes available.

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1 DATED: October 14, 2015

Respectfully submitted,

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1 **PROOF OF SERVICE**

2 I hereby certify that, at the date entered below and per the agreement of the parties, I  
3 caused a true and correct copy of the foregoing to be served by transmission via secure FTP site,  
4 the credentials for which were made available to counsel at the email addresses below:

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19 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
20 October 14, 2015, at Berkeley, California.

21 */s/ Matthew D. Cannon*  
22 \_\_\_\_\_  
23 Matthew D. Cannon  
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